

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6736 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KALYANBHAI BHANABHAI BHARTI

Versus

STATE OF GUJARAT

Appearance:

MR PK JANI for Petitioner
MR DN PATEL, AGP for Respondent No. 1, 3
MR BS PATEL for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 10/11/2000

ORAL JUDGEMENT

#. The petitioner, making a grievance that he has not been paid subsistence allowance in accordance with law, has approached this Court.

#. The petitioner was appointed as a primary teacher on

14.11.1957 by the District Panchayat, Surat. The petitioner was involved in a double murder case and was arrested on 13.6.1977. The order at Annexure 'A' indicates that the petitioner was held guilty for causing death of Bhagubhai Choudhary and his wife Ziniben. The petitioner was tried for offences punishable under sections 147, 148, 149, 302 and 323 of the Indian Penal Code along with others. It appears that the petitioner was suspended on 30.8.1977 under section 24 (1) of the Bombay Primary Education Act, 1947. On 5.5.1978, the Sessions Court, Surat acquitted the petitioner, but in appeal, the High Court convicted the petitioner on 28.8.1980. There is no dispute about the fact that the petitioner has been paid subsistence allowance till 27.8.1980. The Honourable Supreme Court confirmed the order of conviction and sentence on 31.10.1991.

#. Mr. Jani, learned counsel appearing for the petitioner after going through the record could not press the petition for which the prayer is made, and he requested the Court to grant permission to the petitioner to make a representation to the respondent No.2, District Primary Education Officer, District Panchayat, Surat for any outstanding amount of subsistence allowance before the date of conviction made by the High Court. Permission is granted. The petition stands disposed of accordingly. Rule is discharged.

csm./ (B.C. PATEL, J.)